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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re the application of:

ENDL et al.

Atty. Docket No.: 100564-09014

Application Number: US 09/343,406

Group Art Unit: 1644

Filed: June 30, 1999

Examiner: M. DiBrino

For: ANTIGEN-SPECIFIC ACTIVATED T-LYMPHOCYTES, DETECTION AND  
USE

H-20/F  
JRW  
4/30/02

**STATEMENT UNDER 37 C.F.R. § 1.821**

Commissioner of Patents  
Washington, D.C. 20231

April 16, 2002

Sir:

In accordance with 37 C.F.R. § 1.821 and in accordance with the Examiner's request, Applicant hereby resubmits the Sequence Listing for the above-referenced application in paper copy and computer readable form.

The name of the file on the computer readable form is 100564-09014.txt. The paper copy and computer readable form are the same, and no new matter has been added.

In the event that this paper is not considered timely filed, Applicant hereby petitions for an appropriate extension of time. If necessary, please charge any additional amounts or credit any overpayments to Direct Deposit Account Number 01-2300 referring to client matter number 100564-09014.

Respectfully Submitted,

ARENT FOX KINTNER PLOTKIN & KAHN, PLLC



D. Daniel Dzara, II  
Reg. No. 47,543  
Attorney for Applicant

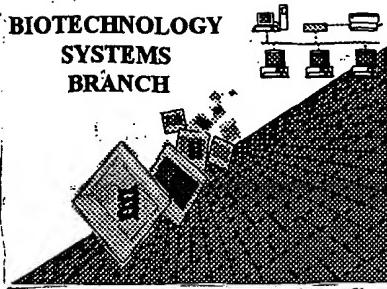
Arent Fox Kintner Plotkin & Kahn, PLLC  
1050 Connecticut Avenue, N.W.  
Washington, DC 20036-5339  
(202) 857-6000  
(202) 857-6395 (fax)

Enclosures:

- Sequence Listing on Diskette
- Sequence Listing in Paper Form
- Copy of Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures
- Petition for Extension of Time for One Month



1644 #17



## RAW SEQUENCE LISTING ERROR REPORT

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The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number: 09/343,406A  
Source: 1600  
Date Processed by STIC: 1/16/2002

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.

PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

- 1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
- 2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY

FOR CRF SUBMISSION QUESTIONS, PLEASE CONTACT MARK SPENCER, 703-308-4212.

FOR SEQUENCE RULES INTERPRETATION, PLEASE CONTACT ROBERT WAX, 703-308-4216.

PATENTIN 2.1 e-mail help: [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or phone 703-306-4119 (R. Wax)

PATENTIN 3.0 e-mail help: [patin3help@uspto.gov](mailto:patin3help@uspto.gov) or phone 703-306-4119 (R. Wax)

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE CHECKER VERSION 3.1 PROGRAM, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW FOR ADDRESS:

<http://www.uspto.gov/web/offices/pac/checker>

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail.

Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom, including:

1. EFS-Bio (<<http://www.uspto.gov/ebc/efs/downloads/documents.htm>>), EFS Submission User Manual - ePAVE)

2. U.S. Patent and Trademark Office, Box Sequence, P.O. Box 2327, Arlington, VA 22202

3. Hand Carry directly to:

U.S. Patent and Trademark Office, Technology Center 1600, Reception Area, 7<sup>th</sup> Floor, Examiner Name, Sequence Information, Crystal Mall One, 1911 South Clark Street, Arlington, VA 22202

Or

U.S. Patent and Trademark Office, Box Sequence, Customer Window, Lobby, Room 1B03, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202

4. Federal Express, United Parcel Service, or other delivery service to: U.S. Patent and Trademark Office, Box Sequence, Room 1B03-Mailroom, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202

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Raw Sequence Listing Error Summary

TECH CENTER 1600/2900

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|                       |                             |   |
|-----------------------|-----------------------------|---|
| <b>ERROR DETECTED</b> | <b>SUGGESTED CORRECTION</b> | <b>SERIAL NUMBER:</b> <u>09/343,406 A</u> |
|-----------------------|-----------------------------|---|

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ATTN: NEW RULES CASES: PLEASE DISREGARD ENGLISH "ALPHA" HEADERS, WHICH WERE INSERTED BY PTO SOFTWARE

- 1  Wrapped Nucleic  
     Wrapped Aminos     The number/text at the end of each line "wrapped" down to the next line. This may occur if your file was retrieved in a word processor after creating it. Please adjust your right margin to .3; this will prevent "wrapping."
- 2  Invalid Line Length     The rules require that a line not exceed 72 characters in length. This includes white spaces.
- 3  Misaligned Amino  
    Numbering     The numbering under each 5<sup>th</sup> amino acid is misaligned. Do not use tab codes between numbers; use space characters, instead.
- 4  Non-ASCII     The submitted file was not saved in ASCII(DOS) text, as required by the Sequence Rules. Please ensure your subsequent submission is saved in ASCII text.
- 5  Variable Length     Sequence(s) 1 contain n's or Xaa's representing more than one residue. Per Sequence Rules, each n or Xaa can only represent a single residue. Please present the maximum number of each residue having variable length and indicate in the <220>-<223> section that some may be missing.
- 6  PatentIn 2.0  
    "bug"     A "bug" in PatentIn version 2.0 has caused the <220>-<223> section to be missing from amino acid sequences(s)       . Normally, PatentIn would automatically generate this section from the previously coded nucleic acid sequence. Please manually copy the relevant <220>-<223> section to the subsequent amino acid sequence. This applies to the mandatory <220>-<223> sections for Artificial or Unknown sequences.
- 7  Skipped Sequences  
(OLD RULES)     Sequence(s)        missing. If intentional, please insert the following lines for each skipped sequence:  
(2) INFORMATION FOR SEQ ID NO:X: (insert SEQ ID NO where "X" is shown)  
(i) SEQUENCE CHARACTERISTICS: (Do not insert any subheadings under this heading)  
(xi) SEQUENCE DESCRIPTION:SEQ ID NO:X: (insert SEQ ID NO where "X" is shown)  
This sequence is intentionally skipped  
  
Please also adjust the "(ii) NUMBER OF SEQUENCES:" response to include the skipped sequences.
- 8  Skipped Sequences  
(NEW RULES)     Sequence(s)        missing. If intentional, please insert the following lines for each skipped sequence.  
<210> sequence id number  
<400> sequence id number  
000
- 9  Use of n's or Xaa's  
(NEW RULES)     Use of n's and/or Xaa's have been detected in the Sequence Listing.  
Per 1.823 of Sequence Rules, use of <220>-<223> is MANDATORY if n's or Xaa's are present.  
In <220> to <223> section, please explain location of n or Xaa, and which residue n or Xaa represents.
- 10  Invalid <213>  
Response     Per 1.823 of Sequence Rules, the only valid <213> responses are: Unknown, Artificial Sequence, or scientific name (Genus/species). <220>-<223> section is required when <213> response is Unknown or is Artificial Sequence
- 11  Use of <220>  
→     Sequence(s)        missing the <220> "Feature" and associated numeric identifiers and responses.  
Use of <220> to <223> is MANDATORY if <213> "Organism" response is "Artificial Sequence" or "Unknown." Please explain source of genetic material in <220> to <223> section.  
(See "Federal Register," 06/01/1998, Vol. 63, No. 104, pp. 29631-32) (Sec. 1.823 of Sequence Rules)
- 12  PatentIn 2.0  
    "bug"     Please do not use "Copy to Disk" function of PatentIn version 2.0. This causes a corrupted file, resulting in missing mandatory numeric identifiers and responses (as indicated on raw sequence listing). Instead, please use "File Manager" or any other manual means to copy file to floppy disk.
- 13  Misuse of n     n can only be used to represent a single nucleotide in a nucleic acid sequence. N is not used to represent any value not specifically a nucleotide.

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Page 1 of 7



APR 19 2002

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1600

RAW SEQUENCE LISTING

PATENT APPLICATION: US/09/343,406A

DATE: 01/16/2002

TIME: 13:10:58

Input Set : A:\100564-09014.txt

Output Set: N:\CRF3\01162002\I343406A.raw

3 <110> APPLICANT: Endl, Josef  
4 Stahl, Peter  
5 Albert, Winfried  
6 Jung, Guenther-Gerhard  
7 Schendel, Dolores  
8 Meirl, Edgar  
9 Dornmair, Klaus  
11 <120> TITLE OF INVENTION: ANTIGEN-SPECIFIC ACTIVATED T-LYMPHOCYTES, DETECTION AND USE  
13 <130> FILE REFERENCE: 100564-09014  
15 <140> CURRENT APPLICATION NUMBER: 09/343,406A  
16 <141> CURRENT FILING DATE: 1999-06-30  
18 <150> PRIOR APPLICATION NUMBER: 08/967,242  
19 <151> PRIOR FILING DATE: 1997-11-05  
21 <150> PRIOR APPLICATION NUMBER: 08/374,468  
22 <151> PRIOR FILING DATE: 1995-01-18  
24 <150> PRIOR APPLICATION NUMBER: DE P 44 18 091.8  
25 <151> PRIOR FILING DATE: 1994-05-24  
27 <150> PRIOR APPLICATION NUMBER: DE P 44 03 522.5  
28 <151> PRIOR FILING DATE: 1994-02-04  
30 <150> PRIOR APPLICATION NUMBER: DE P 44 01 629.8  
31 <151> PRIOR FILING DATE: 1994-01-20  
34 <160> NUMBER OF SEQ ID NOS: 39  
36 <170> SOFTWARE: PatentIn version 3.1  
38 <210> SEQ ID NO: 1  
39 <211> LENGTH: 8  
40 <212> TYPE: PRT  
41 <213> ORGANISM: Homo sapiens  
43 <220> FEATURE:  
44 <221> NAME/KEY: MISC\_FEATURE  
45 <222> LOCATION: (1)..(1)  
46 <223> OTHER INFORMATION: "X" is an optional sequence selected from 1 to 10 amino acids  
49 <400> SEQUENCE: 1  
W--> 51 Xaa Pro Glu Val Lys Thr Lys Glx  
52 1 5  
55 <210> SEQ ID NO: 2  
56 <211> LENGTH: 25  
57 <212> TYPE: PRT  
58 <213> ORGANISM: Homo sapiens  
60 <400> SEQUENCE: 2  
62 Gly Met Ala Ala Leu Pro Arg Leu Ile Ala Phe Thr Ser Glu His Ser  
63 1 5 10 15  
66 His Phe Ser Leu Lys Lys Gly Ala Ala  
67 20 25  
70 <210> SEQ ID NO: 3  
71 <211> LENGTH: 20  
72 <212> TYPE: PRT  
73 <213> ORGANISM: Homo sapiens

*See item 5 on Error summary Sheet*

RAW SEQUENCE LISTING  
PATENT APPLICATION: US/09/343,406A

DATE: 01/16/2002  
TIME: 13:10:58

Input Set : A:\100564-09014.txt  
Output Set: N:\CRF3\01162002\I343406A.raw

75 <400> SEQUENCE: 3  
77 Glu Arg Gly Lys Met Ile Pro Ser Asp Leu Glu Arg Arg Ile Leu Glu  
78 1 5 10 15  
81 Ala Lys Gln Lys  
82 20  
85 <210> SEQ ID NO: 4  
86 <211> LENGTH: 14  
87 <212> TYPE: PRT  
88 <213> ORGANISM: Homo sapiens  
90 <400> SEQUENCE: 4  
92 Leu Pro Arg Leu Ile Ala Phe Thr Ser Glu His Ser His Phe  
93 1 5 10  
96 <210> SEQ ID NO: 5  
97 <211> LENGTH: 20  
98 <212> TYPE: PRT  
99 <213> ORGANISM: Homo sapiens  
101 <400> SEQUENCE: 5  
103 Gly Met Ala Ala Leu Pro Arg Leu Ile Ala Phe Thr Ser Glu His Ser  
104 1 5 10 15  
107 His Phe Ser Leu  
108 20  
111 <210> SEQ ID NO: 6  
112 <211> LENGTH: 20  
113 <212> TYPE: PRT  
114 <213> ORGANISM: Homo sapiens  
116 <400> SEQUENCE: 6  
118 Ala Leu Pro Arg Leu Ile Ala Phe Thr Ser Glu His Ser His Phe Ser  
119 1 5 10 15  
122 Leu Lys Lys Gly  
123 20  
126 <210> SEQ ID NO: 7  
127 <211> LENGTH: 20  
128 <212> TYPE: PRT  
129 <213> ORGANISM: Homo sapiens  
131 <400> SEQUENCE: 7  
133 Arg Leu Ile Ala Phe Thr Ser Glu His Ser His Phe Ser Leu Lys Lys  
134 1 5 10 15  
137 Gly Ala Ala Ala  
138 20  
141 <210> SEQ ID NO: 8  
142 <211> LENGTH: 20  
143 <212> TYPE: PRT  
144 <213> ORGANISM: Homo sapiens  
146 <400> SEQUENCE: 8  
148 Pro Glu Val Lys Glu Lys Gly Met Ala Ala Leu Pro Arg Leu Ile Ala  
149 1 5 10 15  
152 Phe Thr Ser Glu  
153 20  
156 <210> SEQ ID NO: 9

RAW SEQUENCE LISTING  
PATENT APPLICATION: US/09/343,406A

DATE: 01/16/2002  
TIME: 13:10:58

Input Set : A:\100564-09014.txt  
Output Set: N:\CRF3\01162002\I343406A.raw

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158 <212> TYPE: PRT  
159 <213> ORGANISM: Homo sapiens  
161 <400> SEQUENCE: 9  
163 Ala Ala Leu Pro Arg Leu Ile Ala Phe Thr Ser Glu His Ser His Phe  
164 1 5 10 15  
167 Ser Leu  
171 <210> SEQ ID NO: 10  
172 <211> LENGTH: 16  
173 <212> TYPE: PRT  
174 <213> ORGANISM: Homo sapiens  
176 <400> SEQUENCE: 10  
178 Ala Ala Leu Pro Arg Leu Ile Ala Phe Thr Ser Glu His Ser His Phe  
179 1 5 10 15  
182 <210> SEQ ID NO: 11  
183 <211> LENGTH: 14  
184 <212> TYPE: PRT  
185 <213> ORGANISM: Homo sapiens  
187 <400> SEQUENCE: 11  
189 Ala Ala Leu Pro Arg Leu Ile Ala Phe Thr Ser Glu His Ser  
190 1 5 10  
193 <210> SEQ ID NO: 12  
194 <211> LENGTH: 14  
195 <212> TYPE: PRT  
196 <213> ORGANISM: Homo sapiens  
198 <400> SEQUENCE: 12  
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201 1 5 10  
204 <210> SEQ ID NO: 13  
205 <211> LENGTH: 14  
206 <212> TYPE: PRT  
207 <213> ORGANISM: Homo sapiens  
209 <400> SEQUENCE: 13  
211 Gly Met Ala Ala Leu Pro Arg Leu Ile Ala Phe Thr Ser Glu  
212 1 5 10  
215 <210> SEQ ID NO: 14  
216 <211> LENGTH: 12  
217 <212> TYPE: PRT  
218 <213> ORGANISM: Homo sapiens  
220 <400> SEQUENCE: 14  
222 Gly Met Ala Ala Leu Pro Arg Leu Ile Ala Phe Thr  
223 1 5 10  
226 <210> SEQ ID NO: 15  
227 <211> LENGTH: 18  
228 <212> TYPE: PRT  
229 <213> ORGANISM: Homo sapiens  
231 <400> SEQUENCE: 15  
233 Leu Pro Arg Leu Ile Ala Phe Thr Ser Glu His Ser His Phe Ser Leu  
234 1 5 10 15

## RAW SEQUENCE LISTING

PATENT APPLICATION: US/09/343,406A

DATE: 01/16/2002

TIME: 13:10:58

Input Set : A:\100564-09014.txt

Output Set: N:\CRF3\01162002\I343406A.raw

237 Lys Lys  
241 <210> SEQ ID NO: 16  
242 <211> LENGTH: 14  
243 <212> TYPE: PRT  
244 <213> ORGANISM: Homo sapiens  
246 <400> SEQUENCE: 16  
248 Arg Leu Ile Ala Phe Thr Ser Glu His Ser His Phe Ser Leu  
249 1 5 10  
252 <210> SEQ ID NO: 17  
253 <211> LENGTH: 14  
254 <212> TYPE: PRT  
255 <213> ORGANISM: Homo sapiens  
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264 <211> LENGTH: 12  
265 <212> TYPE: PRT  
266 <213> ORGANISM: Homo sapiens  
268 <400> SEQUENCE: 18  
270 Leu Pro Arg Leu Ile Ala Phe Thr Ser Glu His Ser  
271 1 5 10  
274 <210> SEQ ID NO: 19  
275 <211> LENGTH: 14  
276 <212> TYPE: PRT  
277 <213> ORGANISM: Homo sapiens  
279 <400> SEQUENCE: 19  
281 Ile Leu Ile Lys Cys Asp Glu Arg Gly Lys Met Ile Pro Ser  
282 1 5 10  
285 <210> SEQ ID NO: 20  
286 <211> LENGTH: 14  
287 <212> TYPE: PRT  
288 <213> ORGANISM: Homo sapiens  
290 <400> SEQUENCE: 20  
292 Leu Gly Ile Gly Thr Asp Ser Val Ile Leu Ile Lys Cys Asp  
293 1 5 10  
296 <210> SEQ ID NO: 21  
297 <211> LENGTH: 14  
298 <212> TYPE: PRT  
299 <213> ORGANISM: Homo sapiens  
301 <400> SEQUENCE: 21  
303 Leu Ala Phe Leu Gln Asp Val Met Asn Ile Leu Leu Gln Tyr  
304 1 5 10  
307 <210> SEQ ID NO: 22  
308 <211> LENGTH: 14  
309 <212> TYPE: PRT  
310 <213> ORGANISM: Homo sapiens  
312 <400> SEQUENCE: 22  
314 Tyr Asp Leu Ser Tyr Asp Thr Gly Asp Lys Ala Leu Gln Cys

RAW SEQUENCE LISTING  
PATENT APPLICATION: US/09/343,406A

DATE: 01/16/2002  
TIME: 13:10:58

Input Set : A:\100564-09014.txt  
Output Set: N:\CRF3\01162002\I343406A.raw

315 1 5 10  
318 <210> SEQ ID NO: 23  
319 <211> LENGTH: 14  
320 <212> TYPE: PRT  
321 <213> ORGANISM: Homo sapiens  
323 <400> SEQUENCE: 23  
325 Val Ser Tyr Gln Pro Leu Gly Asp Lys Val Asn Phe Phe Arg  
326 1 5 10  
329 <210> SEQ ID NO: 24  
330 <211> LENGTH: 14  
331 <212> TYPE: PRT  
332 <213> ORGANISM: Homo sapiens  
334 <400> SEQUENCE: 24  
336 Leu Ala Ala Asp Trp Leu Thr Ser Thr Ala Asn Thr Asn Met  
337 1 5 10  
340 <210> SEQ ID NO: 25  
341 <211> LENGTH: 14  
342 <212> TYPE: PRT  
343 <213> ORGANISM: Homo sapiens  
345 <400> SEQUENCE: 25  
347 Leu Leu Tyr Gly Asp Ala Glu Lys Pro Ala Glu Ser Gly Gly  
348 1 5 10  
351 <210> SEQ ID NO: 26  
352 <211> LENGTH: 14  
353 <212> TYPE: PRT  
354 <213> ORGANISM: Homo sapiens  
356 <400> SEQUENCE: 26  
358 Val Asn Tyr Ala Phe Leu His Ala Thr Asp Leu Leu Pro Ala  
359 1 5 10  
362 <210> SEQ ID NO: 27  
363 <211> LENGTH: 14  
364 <212> TYPE: PRT  
365 <213> ORGANISM: Homo sapiens  
367 <400> SEQUENCE: 27  
369 Leu Leu Gln Tyr Val Val Lys Ser Phe Asp Arg Ser Thr Lys  
370 1 5 10  
373 <210> SEQ ID NO: 28  
374 <211> LENGTH: 14  
375 <212> TYPE: PRT  
376 <213> ORGANISM: Homo sapiens  
378 <400> SEQUENCE: 28  
380 Phe Thr Tyr Glu Ile Ala Pro Val Phe Val Leu Leu Glu Tyr  
381 1 5 10  
384 <210> SEQ ID NO: 29  
385 <211> LENGTH: 14  
386 <212> TYPE: PRT  
387 <213> ORGANISM: Homo sapiens  
389 <400> SEQUENCE: 29  
391 Leu Glu Tyr Val Thr Leu Lys Lys Met Arg Glu Ile Ile Gly

**VERIFICATION SUMMARY**

PATENT APPLICATION: US/09/343,406A

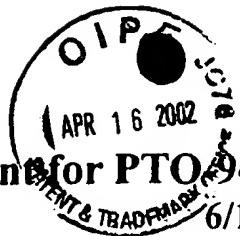
DATE: 01/16/2002

TIME: 13:10:59

Input Set : A:\100564-09014.txt

Output Set: N:\CRF3\01162002\I343406A.raw

L:51 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:1



## Attachment for PTO-948 (Rev. 03/01, or earlier)

6/18/01

**The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.**

### **INFORMATION ON HOW TO EFFECT DRAWING CHANGES**

#### **1. Correction of Informalities -- 37 CFR 1.85**

New corrected drawings must be filed with the changes incorporated therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

#### **2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.**

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

#### **Timing of Corrections**

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.